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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/539,749	BALKUS ET AL.	
	Examiner	Art Unit	
	Gregory J. Vaughn	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9,11,12,14 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9,11,12,14 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/23/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Action Background

1. This action is responsive to applicant's response and request for reconsideration, filed on 11/10/2005.
2. The response filed 11/10/2005 did not include a current listing of the claims. In this action, the examiner references the most current listing of claims, as contained in the amendment filed 4/22/2004.
3. Claims 1-6, 9, 11, 12, 14 and 25-30 are pending in the case. Claims 1, 6, 9, 12 and 25 are independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

5. Claims 1-6, 9, 12, 25 and 27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Escobar et al. US Patent 5,659,793, filed 12/22/1994, patented 8/19/1997, (hereinafter "*Escobar*") in view of Wittenburg et al. US Patent 6,515,656, filed 4/30/1999, patented 2/4/2003, (hereinafter "*Wittenburg*").

6. **Regarding independent claim 1**, the applicant defines temporal and nontemporal media as *"temporal media, such as video, audio and computer-generated animation, and nontemporal media, such as still images, text, hypertext documents etc"* (page 4, lines 12-14). Escobar discloses in Figure 1, a graphical user interface for authoring presentations, with a temporal media timeline (shown as *"Video Time Line"* at reference signs 140 and 141), nontemporal media timelines (shown as *"Program Object Time Line"* at reference sign 160). Escobar discloses a specification for the multimedia presentation. Escobar recites: *"To develop a program object, first, a specification (400) for the object is prepared"* (column 8, lines 56-57).

Escobar discloses a viewer having access to and using the timeline and the specification, to displays the media presentation. Escobar recites *"Button 174 permits part or all of an application under development to be run and displayed at a location specified, typically in the Display/Edit Window 100, so that the impact of the decisions made in editing of a portion or all of an application may be viewed under run time conditions"* (column 6, lines 41-45). Escobar further recites: *"Button 173 invokes application creation or editing functions which permit objects to be assembled into applications with relative timing specified by their placement along the timeline tracks"* (column 6, lines 37-41).

Escobar discloses an encoder to output a media presentation from the timeline and the specification. Escobar recites: *"the objects can be combined*

and only the combined integrated final application can be sent as a live program" (column 20, lines 31-33).

Escobar discloses a graphical user interface for authoring presentations with temporal and nontemporal media and their timelines, and a specification for the multimedia presentation. Escobar fails to disclose a specification that defines the portion of the display area in which of the first and second media tracks will be displayed (i.e. the spatial relationship). Wittenburg teaches controlling the spatial relationships of the display of the media objects. Wittenburg recites: "*The techniques described are capable of using a number of different spatial layout techniques and transitions for rendering individual multimedia data items to be presented in a particular presentation area*" (column 14, lines 39-42). Wittenburg further illustrates several presentations with spatially related media objects in Figures 6-10.

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to combine the multimedia authoring tool of Escobar with the use of spatial relationships, as taught by Wittenburg, in order to create "*a technique for viewing and selecting information by incorporating imagery and other media, as well as text, that uses a hierarchical organization, and deploys controls for speed and direction of information presented*" (Wittenburg, column 2, lines 19-23).

7. **Regarding dependent claim 2**, Escobar discloses multiple servers managing multimedia and data files (together and separately) in Figure 13.

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Escobar further recites "*The IDL is stored as an application at 5565 and the process returns to the main routine*" (column 1, lines 44-45).

8. **Regarding dependent claim 3**, Escobar recites "*When an IDL is executed, the DET takes the items on the list in order and requests the objects specified by the list item by sending a request over the network to the server*" (column 20, lines 16-19).
9. **Regarding dependent claim 4**, Escobar recites "*the server controls a retrieval of objects and the assembly of those objects into a program which is then delivered to the end user for display at 1130*" (column 20, lines 38-41).
10. **Regarding dependent claim 5**, Escobar discloses transferring and previewing (see above). Escobar discloses previewing prior to transferring in "*The module is then tested (425) and reviewed by the developer or customer for acceptance (430). Once the object is moved to production in the authoring tool (435), installed in the correct bin (440) and an appropriate icon attached (445), it is ready for use as desired (450) by the non-programmer*" (column 8, lines 62-67).
11. **Regarding independent claim 6**, Escobar discloses timelines for the temporal and nontemporal media, as described above. Escobar discloses a table of contents track. Escobar recites: "*At least one interactive object track 160 should be included*" (column 6, lines 26-28). Escobar discloses a table of contents track that includes character elements associated with a point in

time on the table of contents track. Escobar recites: *"One timeline is dedicated to interactive objects. Control of playback or execution of the objects is achieved using edit decision lists (EDL) and interactive decision lists (IDL) which capture the editing decisions made by a user of the tool. The interactive decision list is used to activate retrieval of objects from assets stored, to initiate playback of the objects retrieved and to initiate loading and execution of program objects all in a sequence corresponding to that represented on the timelines"* (column 4, lines 17-25).

Escobar and Wittenburg disclose the control of display spatial relationships of media objects, and a display for displaying the media objects based upon the timelines and the spatial relationship, as described above. Escobar discloses the user selection of a displayed character in the table of contents track that initiates the presentation playback to the point in time related to the selected element. Escobar recites: *"Playback or running of the interactive multimedia application can be controlled by executing an IDL at either an end user's location or at a server's location"* (column 4, lines 27-29).

12. **Regarding independent claim 9**, the claim contains substantially the same subject matter as claim 1, and remains rejected using the same rationale.
13. **Regarding independent claim 12**, the claim contains substantially the same subject matter as claim 1, and remains rejected using the same rationale.

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14. **Regarding independent claim 25**, the claim is directed toward a computer program product for the system of claim 1, and remains rejected using the same rationale.
15. **Regarding dependent claim 27**, the claim is rejected for fully incorporating the deficiencies of the base claim.
16. Claims 11, 14, 26 and 28-30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Escobar in view of Wittenburg, and in further view of Gill et al. US Patent 6,081,262, filed 12/4/1996, patented 6/27/2000, (hereinafter "*Gill*").
17. **Regarding amended dependent claim 11**, Escobar and Wittenburg disclose a multimedia authoring system using timelines of temporal and nontemporal media. Escobar and Wittenburg fail to disclose the use of a time bar to manipulate the media time lines. Gill discloses the use of a time bar in Figure 2, at reference sign PL.

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine the multimedia authoring system of Escobar and Bergman with the controllable time bar of Gill in order "*to combine media objects of multiple diverse types into an integrated multimedia presentation*" (Gill, Column 1, lines 8-10).

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18. **Regarding dependent claims 14 and 26**, the claims contain substantially the same subject matter as claim 11, and remain rejected using the same rationale.
19. **Regarding dependent claim 28**, Escobar and Wittenburg disclose a multimedia authoring system using timelines and spatial relationships of temporal and nontemporal media. Escobar and Wittenburg fail to disclose the display area divided into frames. Gill teaches the use of display frames. Gill Discloses in Figure 2, a text frame (shown at reference sign TB) and a movie frame (shown at reference sign MB).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine the multimedia authoring system of Escobar and Bergman with the display frames of Gill in order *"to combine media objects of multiple diverse types into an integrated multi-media presentation"* (Gill, Column 1, lines 8-10).

20. **Regarding dependent claims 29 and 30**, Escobar, Wittenburg and Gill disclose a multimedia authoring system using timelines and spatial relationships of temporal and nontemporal media. Escobar and Gill fail to disclose the multimedia presentation defined by a markup language document (claim 29) and where the markup language document contains additional nontemporal media (claim 30). Wittenburg discloses the use of markup language documents with nontemporal media. Wittenburg recites:

"user interface components may include, for example, JAVA Script code and data, and dynamic HTML files" (column 4, lines 36-38).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to represent the multimedia presentation of Escobar and Gill as a markup language document with additional content, as taught by Wittenburg, in order to create *"a technique for viewing and selecting information by incorporating imagery and other media, as well as text, that uses a hierarchical organization, and deploys controls for speed and direction of information presented"* (Wittenburg, column 2, lines 19-23).

Response to Arguments

21. Applicant's arguments filed 10/11/2005 have been fully considered but they are not persuasive.
22. **Regarding independent claim 1**, applicant argues that: *"Wittenberg merely discloses a number of possible designs of a combination of user controls, menus and presentation areas. These designs are not a "layout specification" of the claimed invention that specifically relates tracks in a multimedia presentation being edited to defined display areas within a display"* (page 3, second paragraph of the reply filed 10/11/2005). Applicant is directed to the rejection of claim 1, as restated above. Escobar discloses the use of a specification. Wittenburg teaches the use of the specification to define spatial relationships between multimedia objects on a display. Wittenburg recites: *"The techniques described are capable of using a number of different spatial layout techniques and transitions for rendering individual multimedia data items to be presented in a particular presentation area"* (column 14, lines 39-42). Wittenburg shows in Figure 6 at reference sign 64, a plurality of multimedia objects with a spatial relationship.
23. **Regarding claims 6 and 27**, Applicant argues that: *"the "table of contents track" as claimed specifically includes "nontemporal media including one or more elements comprising one or more characters, each associated with a point in time on the table of contents track"* (page 3, fourth paragraph of the reply filed 10/11/2005). In response to applicant's argument that the

references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*the table of contents track includes ... nontemporal media*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The examiner has interpreted the first limitation of claim 6 to be directed toward a timeline, where the timeline comprises 3 elements: 1) one or more first tracks for temporal media, 2) one or more second tracks for nontemporal media, and 3) a table of contents track. The first limitation of claim 6 further defines the nontemporal media as including one or more elements comprising one or more characters, each associated with a point in time on the table of contents track. Nowhere does the claim limitation describe the table of contents track as including nontemporal media.

24. **Also, regarding claims 6 and 27**, applicant argues that: "*Neither an EDL nor an IDL is a "table of contents track" as claimed*" (page 3, fourth paragraph of the reply filed 10/11/2005). Applicant is directed to the rejection of claim 6, as restated above. Applicant's "*table of contents track*" is implemented so that "*selection by the user of the displayed characters of the one or more elements in the table of contents track initiates display of the temporal and nontemporal media from the point in time of the selected element*". Escobar discloses a timeline track with elements that are associated with media objects, wherein selection of the element in the timeline track causes the

media object to be played corresponding to the position on the timeline. Escobar recites: *"One timeline is dedicated to interactive objects. Control of playback or execution of the objects is achieved using edit decision lists (EDL) and interactive decision lists (IDL) which capture the editing decisions made by a user of the tool. The interactive decision list is used to activate retrieval of objects from assets stored, to initiate playback of the objects retrieved and to initiate loading and execution of program objects all in a sequence corresponding to that represented on the timelines"* (column 4, lines 17-25).

25. **Regarding claims 11, 14 and 26**, applicant argues that: *"Gill's path in Fig. 2 is not a claimed time bar as recited in claims 11, 14 and 26"* (page 4, fourth paragraph of the reply filed 10/11/2005). Applicant is directed to the rejection of claim 11, as restated above. Gill's Figure 2 discloses a time bar (shown as *"Path"*), related to a media element (shown as *"Animation"*), where the user could manipulate the media element (by dragging it with the mouse) relative to the path to a specific time within the path. However, upon further review of the limitations recited in claims 11, 14 and 24, stated as: *"a time bar associated with the timeline and manipulable by a user to specify the one or more specified times"* the primary Escobar reference is given more weight. Escobar discloses in Figure 1, several time bars (shown at reference signs 140, 141, 150 and 151 as *"Time Line"*) associated with a time line (shown at reference sign 160 as *"Object Time Line"*). Escobar discloses a user to specify the one or more specified times in Figure 5E at reference sign 5535

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(shown as the process step: *"Drag and drop icon onto time line track at start time desired"*).

26. **Regarding claim 28**, applicant argues that: *"the capability of an author to add a movie object to a page in Gill is not the same as the claimed "display area" that "is divided into a plurality of frames" where "each of the plurality of frames is assigned to one of the first or second tracks of the timeline"* (page 4, fifth paragraph of the reply filed 10/11/2005). Applicant is directed to the rejection of claim 28, as restated above. Escobar and Wittenburg are relied upon to teach a frame (or media display area) that is assigned to a track of a time line. Escobar and Wittenburg are further relied upon to teach multiple time line tracks. Gill is relied upon to teach multiple frames (or display areas). It is obvious to use Gill's teachings of multiple frames, in combination with Escobar and Wittenburg's media frame that are assigned to timelines.

27. **Regarding claim 29**, applicant argues that: *"The Office Action has again misconstrued claim 29 as reciting that the "multimedia presentation (is) defined by a markup language document ..."* See Office Action page 7, last line to page 8, first line. Claim 29 instead recites that the *"layout specification is ... defined by a document in a markup language that defines a set of frames in a display area."* The portion of Wittenberg relied upon in the Office Action fails to teach this limitation. Claim 29 also recites that the *"definition of each frame ... includes an indication of a track of the timeline to which the frame is assigned."* The portion of Wittenberg relied upon in the Office Action

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fails to teach this limitation" (page 4, last paragraph to page 5, first paragraph, of the reply filed 10/11/2005). Applicant is directed to the rejection of claim 29, as restated above. The examiner has not misconstrued the claim. Claim 29 is directed toward a layout specification (rejected as described above with respect to claim 1), a set of frames in a display area (rejected as described above with respect to claim 28) and a definition of each frame in the set of frames includes an indication of a track of the timeline to which the frame is assigned (rejected as described above with respect to claim 1). Claim 29 is directed toward defining the layout specification and display area frames by a markup language document. Wittenburg teaches using a markup language to embody the process.

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
January 25, 2006



STEPHEN HONG
SUPERVISORY PATENT EXAMINER